THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 24969 of 2003

Dated: 07.03.2007

Between:

Joddumahanthi Venkata Ramana Murthy,
S/o Nagabhushana Rao, D.N.3-2-(1)-6, Illisipuram,
Srikakulam.

..... PETITIONER

AND

The General Manager (I.R), Vidyut Soudha, A.P. TRANSCO,
Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 24969 of 2003

Order:

This writ petition is filed seeking a Mandamus declaring the impugned proceedings, dated 27.08.2003, issued by the 2nd respondent, rejecting the case of the petitioner for absorption/appointment in 50% of existing vacancies as per B.P. Ms. No. 36, dated 18.05.1997, as illegal and arbitrary and consequently to direct the respondents to consider the case of the petitioner for appointment to the post of regular LDC/Revenue Cashier, or any other suitable post.

When the matter is taken up for hearing today, it is represented by the learned counsel for the petitioner as well as the learned Standing Counsel for the respondents that the subject matter of this writ petition is squarely covered by a judgment of the apex Court in S.L.P. No. 11335 of 1994, dated 11.07.1994, wherein it was held thus:

> "The impugned judgment only directs the petitioners to consider the cases of the writ petitioners if any vacancies arise in any post for which the writ petitioners are qualified. Their cases have to be considered along with the other candidates whether they make an application on their own or are sponsored by the Employment Exchange. The judgment also makes it clear that there is no right conferred on the writ petitioners to claim any priority or preference over other candidates, or insist that their case alone shall be considered for appointment. Subsequent to the said judgment the State Government issued the G.O., dated 29th October, 1993 whereby fresh employment in all departments including the petitioner Board were banned. Thereafter, the State Legislature enacted a legislation being Act No.2 of 1994, which came into force with effect from 25th November, 1993 whereby recruitments if any, are to be made through the Public Service Commission and Employment Exchange only. Hence, notwithstanding what is observed in the impugned judgment the petitioner Board will have to follow the provisions of the Act for

> recruitment to the posts concerned and the writ petitioner employees should be considered in accordance with the provisions of the Act. In view of the above, we do not think it necessary to interfere in the matter. The petition is dismissed subject to the above observations."

Hence, following the same, this Writ Petition is also disposed of in terms of the judgment of the apex Court in S.L.P. No. 11335 of 1994, dated 11.07.1994. No costs.

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N.V. RAMANA, J.

Date: 07.03.2007
Nsr/Sj